

REMARKS/ARGUMENTS:

Claims 18-40 are pending in this application. Claims 18-22, 28-30, 32-37, and 40 are amended. Support for these amendments appears in Paragraph 51, for example. Paragraph 51 discloses loading two versions of operating code on a gaming machine, with one version of the code for operation of the gaming machine in one locale and the other version of the code for operation of the gaming machine in another locale.

Rejection under 35 U.S.C. §103

Claims 18-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,645,077 to Rowe ("Rowe") in view of US Patent No. 5,991,399 to Graunke et al. ("Graunke") and in further view of US Patent No. 6,149,522 to Alcorn et al. ("Alcorn").

Applicant's method of operating a gaming device as described in claim 18 is patentable over the combination of Rowe, Graunke, and Alcorn at least because the combination of the references does not teach or suggest each and every one of the elements recited in claim 18.

The present invention as claimed in claim 18 is a method of operating a gaming device, including receiving "encrypted executable code for a plurality of games including a first game that is valid for execution in the venue in which the gaming device is located and is approved for execution on the gaming device and a second game that is invalid for execution in the venue in which the gaming device is located and is approved for execution on the gaming device." Then, only the first private key to decrypt the first set of operating data for the first game is received so that the second game cannot be executed on the gaming device (Claim 18).

The Examiner asserts that Rowe teaches the claimed invention except for 1) the specific manner of encryption utilized and 2) the gaming device sending information relating to the decrypted data to a remote device for authentication of the decrypted data. The Examiner uses Graunke and Alcorn to teach these additional elements. However, Rowe does not teach the claimed invention even if the two above noted elements are supplied by Graunke and Alcorn.

For example, Col. 13: 50-65 of Rowe, cited by the Examiner as teaching “the select transmission of multiple operational game configuration[s] based on the jurisdiction [in] which the game is operated,” does not teach the method by which the present invention handles the encrypted executable code for a plurality of games. Lines 50-65 teach that “game software components may be used to configure a gaming terminal for a particular gaming jurisdiction.” Nowhere does Rowe teach receiving “encrypted executable code for a plurality of games including a first game that is valid for execution in the venue in which the gaming device is located and is approved for execution on the gaming device and a second game that is invalid for execution in the venue in which the gaming device is located and is approved for execution on the gaming device” and then “receiving by the gaming device . . . only the first private key in order to prevent execution of the second game on the gaming device” (claim 18). Neither Graunke nor Alcorn teach these elements either.

Advantages of handling encrypted executable code for a plurality of games as described in the present application are numerous. For example, all of the games could be conveniently installed on the gaming device at the manufacturing facility. Then, a key could be sent to the gaming device to enable a specific game, depending on the venue in which the gaming device is located. Also, the server handling the keys would not have to handle encrypted code, further increasing the security of the gaming device. Additionally, in this example, games on the gaming device would be preloaded. If the regulations in the venue in which the gaming device is located change, it would be easy to change the game by sending the appropriate key to the gaming device.

For at least the reasons given above, Applicant submits that claim 18 is patentable over the cited art. The same arguments apply to independent claims 22, 35-37, and 40. Withdrawal of the 35 U.S.C. §103 rejection for claims 18, 22, 35-37, and 40, as well as for dependent claims 19-21, 23-34, and 38-39 is respectfully requested.

CONCLUSION

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P376).

Respectfully submitted,
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